

PLANNING COMMITTEE	DATE: 06/11/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	CAERNARFON

Number: 2

Application Number: C17/0440/18/AM

Date Registered: 09/05/2017

Application Type: Outline

Community: Llanddeiniolen

Ward: Penisarwaun

Proposal: Outline application, with some reserved matters, for constructing eight affordable houses (one set of semi-detached houses and two terraces of three) along with modifications to an existing access, parking spaces, road to the estate and gardens for the individual houses

Location: Land near Gorswen, Brynrefail, Caernarfon, Gwynedd, LL553NT

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is an outline application with some reserved matters (everything except the vehicular access) to construct eight two storey affordable houses (four social houses and four intermediate houses) on a site that abuts the development boundary of the Local Village of Brynrefail, as defined by the Gwynedd and Anglesey Joint Local Development Plan.
- 1.2 The proposal involves modifications to the existing access, creating a new estate road and erecting eight houses in a crescent form, to include a set of semi-detached houses and two terraces of three houses. The houses would be divided into two two bedroomed houses, three three bedroomed houses and three four bedroomed houses. Since this is an outline application, the details shown on the plans are indicative only (with the exception of the vehicular access).
- 1.3 The site lies between the village's main residential area and River Caledfwlch. Until the 1980s the site was used as a truck yard but this use ended in 1985 and, although the site was overgrown with shrubs and vegetation for a time, because of its previous use, this site is considered to be brownfield. The site has now been cleared of most of the vegetation.
- 1.4 The site is close to River Caldefwlch but is outside a C Flood Zone (where residential developments are not usually permitted). Access to the site is off an unclassified road that runs through the village, near Pont Brynrefail.
- 1.5 The documents below were submitted with the application:
 - Planning and Affordable Housing Statement
 - Community and Language Statement
 - Results of the Trees assessment
 - Letter from Grŵp Cynefin expressing an interest in developing houses on the site
 - Initial Pollution Risk Assessment
- 1.6 The plan was redesigned in response to the original observations by the Transportation Unit and a second consultation was held on the revised plan.
- 1.7 The decision on this application was deferred at the Planning Committee meeting held on 16 October 2017 in order for the Committee to carry out a site visit.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

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2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

2.3 **Gwynedd and Anglesey Joint Local Development Plan (July 2017).**

PS1: THE WELSH LANGUAGE AND CULTURE

ISA 5: PROVISION OF OPEN SPACES IN NEW HOUSING DEVELOPMENT

PCYFF 2: DEVELOPMENT CRITERIA

PCYFF 3: DESIGN AND PLACE SHAPING

PCYFF 4: DESIGN AND LANDSCAPING

PS18: AFFORDABLE HOUSING

TAI 16: EXCEPTION SITES

TRA 2: PARKING STANDARDS

TRA 4: MANAGING TRANSPORT IMPACTS

PS19: CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

AMG 2: SPECIAL LANDSCAPE AREAS

Supplementary Planning Guidance (SPG): Building new Houses in the Countryside (2009)

SPG: Affordable Housing (2009).

SPG: Planning and the Welsh Language (2009).

2.5 **National Policies:**

Planning Policy Wales - (Edition 9, November 2016)

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

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3. Relevant Planning History:

C06A/0264/18/AM: RESIDENTIAL DEVELOPMENT 12 HOUSES - Refused
08/06/06

4. Consultations:

Community/Town
Council:

Observations:

- the application is outside the village boundary and it is important that these boundaries be adhered to
- the land is within an area at risk of flooding
- concern about the presence of japanese knotweed on the site
- accept that there is demand for affordable houses locally but question whether this is the appropriate site

Transportation Unit:

No objection - The amended plans include the improvements recommended by the Unit and the amendments are generally acceptable. Some concerns remain about the indicative internal arrangement.

Welsh Water:

No objection

Request a condition to ensure a drainage plan for foul water, surface water and ground water

Standard observations for the applicant

Natural Resources Wales:

The application should not be approved without conditions relating to the following:

Condition 1: Universal condition for developing on contaminated land

Condition 2: Verification report

Condition 3: Long term monitoring

Condition 4: Unsuspected contamination

Condition 5: Sustainable Drainage Systems

Condition 6: Piling

Notes for the applicant

Environmental Health:

Need standard contaminated land conditions

Biodiversity Unit:

No objection in principle but a request is made for the following information:

- Plan for eradicating invasive species
- Trees survey
- Landscaping Scheme
- Sustainable drainage plan
- Protected species survey

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- Condition to protect nesting birds.

As a result of the original observations of the Biodiversity Unit, the results of a Trees Survey were submitted for the site

Housing Strategic Unit: The plan addresses the need in the area. A discount of approximately 30% will need to be considered for the semi-detached houses and 10% for the terraced houses.

Tai Teg: Not received

Land Drainage Unit: A condition to safeguard the nearby water course is needed

Public Consultation: A notice was posted on the site and nearby residents were notified. The observations below were received in response to the consultation relating to material planning considerations:

- The land is contaminated with Japanese knotweed and is unsuitable for development
- There is concern about the stability of the riverbank close to the site
- Brynrefail does not need these houses as almost 40% of the existing houses are holiday homes
- Overdevelopment of the site
- Eight houses are too much for a village of this size
- A water course runs under the site and the site is, therefore, unsuitable for development
- There are severe parking problems in the village already and there is insufficient parking in the plan
- The development would increase traffic through the village.
- Concern that the land has been contaminated as a result of its previous use and pollution could be released into the river on account of the work
- The site is outside the development boundary
- The land is frequently affected by flooding
- The existing drainage and sewage systems cannot cope with the new houses

The observations below were also received; these are not material planning considerations:

- The applicant does not have right of access to the road along the river bank
- The site was cleared of vegetation without permission
- Question the proposal for the land that is beyond the site's boundary.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 It is mandatory for planning applications to be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The Gwynedd and Anglesey Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case. This site is located outside the development boundary of the Local Village of Brynrefail as defined by the LDP but it directly abuts the boundary.
- 5.2 Policy PS18 states: Affordable Housing sets a minimum target of 1572 as a provision of affordable houses over the period of the LDP, of which 268 will be provided in Villages. Policy TAI 16 allows, as an exception, the development of housing schemes that are 100% affordable on sites that are directly adjacent to a development boundary and which form a reasonable extension to the village boundary. Such sites need to meet proven local need for affordable housing that cannot be addressed in a reasonable timescale within the boundary.
- 5.3 In this case, the intention is to provide eight affordable houses on the site (100%) and the Council's Strategic Housing Unit confirms that this number of houses along with the type of house addresses the needs in the area. No housing sites have been earmarked within the adopted boundary of Brynrefail.
- 5.4 The Planning and Affordable Homes Statement confirms that the internal layout and setting of the houses meet the needs of the Design Quality Requirements Booklet (DQR). Meeting these requirements means that the units can be transferred to a housing association. A copy of a letter from the Grŵp Cynefin was also received, indicating its preparedness in principle to develop housing on the site.
- 5.5 From a physical point of view, it is believed that this is a logical extension to the village with other developments surrounding the site on three sides. The site is also a brownfield site that was, in the past, a truck yard.
- 5.6 Considering the above discussion, since this would be a plan for brownfield land directly adjacent to the development boundary and that the development addresses local demand for affordable housing, it is believed that the principle of the development meets the requirements of Policy TAI 16 of the LDP and would contribute to meeting the target set by Policy PS18.

The Welsh Language

- 5.7 Policy PS1 promotes and supports the use of the Welsh language in the Plan's area and the policy makes it a requirement for developers to submit a Welsh Language Statement with any proposed residential development that would either be on its own or would accumulatively provide more than the indicative housing provision set for the settlement site, such as is the case in Brynrefail.
- 5.8 According to the 2011 Census, 74.4% of the population of the Deiniolen ward spoke Welsh compared with 65.4% in Gwynedd. Although there has been a decrease in the percentage of Welsh language speakers, it should be noted that the level is still above 70%.

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- 5.9 The 2011 Census figures show that 92% of the population between 5-24 years old and 72.6% of people between 25-64 (namely the working age) in the Bethel/Penisarwaun/Deiniolen wards can speak Welsh, which is considerably higher than the average for the County. This means that it is very important to retain these groups in order to support the language in the area. Providing affordable housing is one way of doing this.
- 5.10 There is a limited variety of facilities and services in Brynrefail. Facilities and services in a number of nearby settlements are also accessible. Facilities and services are important zones for using the Welsh language. Erecting affordable housing could mean that families move into them. The side effect of this is the possibility to maintain these facilities and services. Without a mixed age community, there is a risk that less use will be made of facilities and services. The side effects of this would be to lose zones where there are social opportunities to use the Welsh language.
- 5.11 Housing affordability in the Deiniolen ward is similar to the figure for the county (affordability ratio of 5.4 compared with 6.1 in Gwynedd (2014)) which means that housing is generally more affordable here. In 2014, 51.5% of households were priced out of the housing market in the ward compared with 59.7% in the whole of Gwynedd (this was based on 'income under 1/3.5 x lowest quartile of house prices' and based on the fact that the households did not have savings or equity, i.e. the situation at its worst). The median house price in the ward was £122,498 compared with £136,375 in Gwynedd. Therefore, this suggests that it is important that a sufficient provision of affordable housing for the local population is constructed in the area so that housing affordability does not deteriorate. Given the size and location of the proposed dwellings, it is not expected that their price will be out of reach of local residents. Therefore, the development is likely to give the opportunity to retain the local population in the community which can contribute to a positive impact on the Welsh language. Therefore, it is believed that this development is consistent with the objectives of the LDP as set out in Policy PS1.

Design and visual amenities

- 5.12 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments as long as they do not have a detrimental impact on health, safety or the amenities of the residents of local properties or on the area in general. In addition, developments are required to:
- Contribute to, and improve, the character and appearance of the site
 - Respect the site and surroundings in terms of their location in the local landscape.
 - Use appropriate materials
- 5.13 Because of their location on a brownfield site next to an existing residential location, it is not considered that these houses would either harm the appearance of the site or would they have a detrimental impact on the area's amenities in general. It is also considered that the indicative layout and design of the proposed development suits the location in an appropriate way. It is not considered that the houses would cause significant harm to the built quality of the site or the local neighbourhood and, consequently, it is considered that the development is acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP as they relate to these matters.
- 5.14 The site is also within a Special Landscape Area but again, because of its location next to a residential area, it is not believed that any significant harm on the scale of

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the landscape would stem from the development and, as such, it is believed that the application is consistent with Policy AMG 2 of the LDP.

Visual, general and residential amenities

- 5.15 Because of the location, design and size of the proposed houses, it is not believed that there would be any significant harmful impact on private amenities or on the amenities of the neighbourhood in general. In addition, because of the distance from other houses along with the land formation and existing natural screening, it is not believed that there would be any overlooking or significant overshadowing of any other property stemming from the development. It is, therefore, believed that the development would be acceptable under Policies PCYFF 2 and PCYFF 3 of the LDP in terms of amenities.

Transport and access matters

- 5.16 The Transportation Unit did not have any objection to the proposal; in fact, the plan was amended because of the Transportation Unit's original observations and, even though they had some observations about the internal arrangement of the site (to be agreed as part of the reserved matters application) they do not object to the entrance from a safety perspective and it is believed that the parking provision is acceptable in terms of numbers. Given the above, it is considered that the proposal complies with policies TRA2 and TRA of the LDP.

Biodiversity Matters

- 5.17 The Biodiversity Unit raised a number of points and these will be discussed in turn below:
- *Invasive species:* Japanese Knotweed and Himalayan Balsam are present on the site and it is necessary to take steps to eradicate these species. To ensure that they are completely disposed of, it is believed that it would be reasonable to impose a condition to ensure a plan is implemented to eradicate invasive species from the site.
 - *Nesting birds:* In order to protect species of birds that nest on the site, it would be appropriate to impose a condition to prevent the removal of any vegetation from the site during the nesting period for birds.
 - *Trees:* A number of trees will be lost from the boundaries of the site during the construction process and it is important to protect other trees from harm. It is believed that it would be reasonable to impose conditions to safeguard the roots of existing trees during the construction phase and to introduce a landscaping / tree planting plan to ensure any loss of trees is rectified.
 - *Protected mammals:* It was noted that a suitable habitat exists on the site for species of protected mammals such as the fox, badger and otter. Nevertheless, the Biodiversity Unit reported that it would be unlikely that such mammals use it at present. Considering that separate legislation exists to plan for the safeguarding of protected species should they move to the site, it is not considered necessary to impose a planning condition involving the protection of these species as part of this permission.
- 5.18 It is believed that operating in accordance with the above would be in keeping with the requirements of Policy PS19 of the LDP as far as it involves the protection of the natural environment.

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Contaminated land

- 5.19 Considering the site's previous use as a truck yard and its proximity to River Caledfwlch, it will be necessary to carry out further work to ensure that ground water has not been contaminated as a result of ground disturbance. As a result of the observations from Natural Resources Wales and the Public Protection Service asking for conditions to ensure that relevant research work takes place prior to any work on site, an Initial Pollution Risk Assessment was received from the applicant. Copies of the report were sent to the appropriate bodies for their comments and we are awaiting their response at the time of writing this report. The response will be reported upon at the Committee. In imposing appropriate conditions in light of receiving instructions from Natural Resources Wales and the Public Protection Service, it is believed that the development will meet the requirements of Policies PS19 and PCYFF 2 of the LDP inasmuch as they involve the protection of the environment.

Land drainage / Flooding matters

- 5.20 The site of this application is not within a C1 Flood Zone as defined in Technical Advice Note 15: Development and Flood Risk and, subject to appropriate conditions, neither Welsh Water, Natural Resources Wales nor the Council's Drainage Unit have any objection to the proposal to erect houses on the site.

Open amenity spaces

- 5.21 Policy ISA 5 of the LDP states that it is expected for proposals for 10 houses or more to provide suitable provision of open amenity spaces in accordance with the "Fields in Trust" benchmark standards. In this case, the development does not meet the threshold given in this policy but, nevertheless, there is a playing area with appropriate equipment, along with a community football field within 50m of the site and, therefore, it is considered that sufficient provision of open spaces for the development's users already exists.

Response to the public consultation

- 5.22 The above assessment has given full consideration to the objections received in response to the public consultation, and it is not considered that any material planning objections have been offered that outweigh the relevant planning policies noted in the assessment. Therefore there is no reason why the Council should not support this application to contribute towards delivering the objectives of the Unitary Development Plan insofar as it relates to the provision of affordable houses.

6. Conclusions:

- 6.1 Having weighed up the proposed development and considered all the material planning matters, including local and national policies and guidances as well as the objections received, it is considered that the application to construct eight affordable houses for local need on this site is appropriate. It is considered that the proposal satisfies the requirements of all the relevant local and national policies stated in the report.

7. Recommendation:

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7.1 To delegate the power to the Senior Planning Manager to approve the application subject to relevant legal obligations related to ensuring that the eight houses are affordable for general local need, to receive confirmation from Natural Resources Wales and the Public Protection Service that the pollution risk management report is acceptable, and the relevant planning conditions involving:

1. The commencement of the development and submitting reserved matters
2. All materials to be agreed
3. Slate roofs
4. The site lay-out plan to be submitted and agreed
5. Welsh Water Condition
6. An Invasive Species Eradication Plan to be submitted, agreed and implemented
7. A landscaping and tree planting plan to be submitted, agreed and implemented including details of which trees are to be protected, how these trees will be protected during the development, and management of these features in the long term
8. Pollution risk management conditions
9. No site clearance work during the bird nesting season
10. Highway conditions
11. Withdrawal of permitted development rights.

Notes: Welsh Water
Natural Resources Wales
Highways